

# MEMORANDUM

July 25, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: TORRES & BRENNER  
Anita Brenner, Esq.

BRIAN T. CHU  
Senior Deputy County Counsel  
General Litigation Division

RE: Angelica Babudro v. Johanna Bradner, et al.  
Los Angeles Superior Court Case No. EC040542

DATE OF  
INCIDENT: May 13, 2004

AUTHORITY  
REQUESTED: \$100,000

COUNTY  
DEPARTMENT: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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CLAIMS BOARD ACTION:



Approve



Disapprove

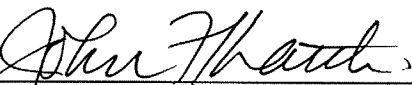


Recommend to Board of  
Supervisors for Approval



ROCKY A. ARMFIELD

, Chief Administrative Office



JOHN F. KRATTLI

, County Counsel



MARIA M. OMS

, Auditor-Controller

on August 21, 2006

## SUMMARY

This is a recommendation to settle for \$100,000 the lawsuit brought by Angelica Babudro seeking damages for injuries she received on May 13, 2004, in an automobile accident involving a County permittee driver.

## LEGAL PRINCIPLE

A public entity is responsible for the negligent acts and omissions of its employees when the acts or omissions are done in the course and scope of employment.

## SUMMARY OF FACTS

On May 12, 2004, at approximately 12:05 p.m., Ms. Angelica Babudro was riding her motorcycle westbound on La Tuna Canyon Road, towards the eastbound on-ramp of the Interstate 210 Freeway, in Tujunga. A County employee, during the course and scope of her employment, drove her vehicle from the eastbound freeway off-ramp of La Tuna Canyon Road and stopped at the intersection stop sign. The County employee entered the intersection to make a left turn across Ms. Babudro's path. Before the County employee reached the center of the intersection, Ms. Babudro's motorcycle ran into the County employee's vehicle. As a result of the collision, Ms. Babudro sustained a sprained left wrist, dislocated shoulder, soft tissue injuries to her left knee, neck and back, and contusions to various areas of her body.

The California Highway Patrol investigated the accident and concluded that Ms. Babudro had the right of way and that the County employee failed to stop and yield the right of way. Ms. Babudro contends that the County employee negligently operated her vehicle when she failed to yield the right of way and caused the collision.

## DAMAGES

Ms. Babudro claims damages for medical services and treatment for her injuries. Her residual injuries are a severely scarred left knee which will require plastic surgery to prevent further tearing and breakdown of scar tissue and skin resulting from knee bending.

Should this matter proceed to trial, Ms. Babudro is anticipated to offer evidence of damages as follows:

Property damage	\$ 3,900
Medical Expenses	
Past expenses	\$ 41,000
Future expenses	\$ 38,000
Loss of earnings	\$ 5,667
Loss of future earnings	\$ 50,000
Pain and suffering	<u>\$100,000</u>
TOTAL:	<u>\$238,567</u>

### STATUS OF CASE

Trial in this matter was scheduled for July 17, 2006. A mediation was conducted on January 16, 2006, without reaching settlement. The proposed settlement was later negotiated with Ms. Babudro, and is contingent on Claims Board approval. Discovery is complete except for expert witness depositions. Depositions of at least six experts will be required.

Legal expenses incurred by the County to date in defense of this matter are attorneys' fees of \$13,298 and \$7,449 in costs. The fees and costs include depositions of the involved parties and a Highway Patrol Officer, and consultation with two defense experts.

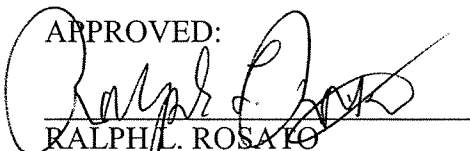
### EVALUATION

Liability in this matter is not in dispute. Ms. Babudro's direction of travel did not require her to stop before proceeding into the intersection, and she was traveling within the speed limit. The County employee, however, was required to stop and to yield to all traffic that posed an immediate hazard until it was reasonably safe to proceed. A settlement at this time will avoid further litigation costs and a potential jury verdict in excess of the recommended settlement amount.

### RECOMMENDATION

We join with our third party administrator, Carl Warren and Company, and our private counsel, Torres & Brenner, in recommending a settlement with Ms. Babudro in the amount of \$100,000. The Department of Children and Family Services concurs in this settlement recommendation.

APPROVED:



RALPH L. ROSATO  
Assistant County Counsel  
General Litigation Division

RLR:ac